

Initial Carry-over of Previous Year's Eligibility - Reauthorization 2004

Purpose:

This policy is to clarify the provision on 30 day carry-over into the next school year for free and reduced-price eligibility.

Scope:

Sponsors of the School Nutrition Programs

Description:

Previously, the carry-over was optional as stated in 7 CFR 245.6(c): "...applications and documentation of direct certification from the preceding year **may** be used to determine eligibility only during the 30 operating days following the first operating days at the beginning of the school year, or during a timeframe established by the State Agency, provided that any State Agency timeframe does not exceed the 30 day operating day limit."

Section 106 of Public Law 108-265, the Child Nutrition and WIC Reauthorization Act of 2004 added section 99(b)(9)(C) on duration of eligibility and requires that the eligibility for free or reduced-price meals or free milk end "...on a date during the subsequent school year determined by the Secretary." Given the emphasis place on prompt determinations and on ensuring access to program benefits, USDA will be revising the current regulations to require carry-over of eligibility of up to 30 operating days into the subsequent school year. This applies to direct certification, categorical determinations and income applications. As in the past, a new eligibility determination in the current year supersedes the carry-over eligibility. For example, if a student is determined eligible for reduced-price for the new school year benefits, the free meal eligibility from the prior school year discontinues as soon as the household is notified of the new reduced-price eligibility.

The carry-over requirement will be published as a rule prior to the next school year (School year 2006-2007); so we are asking all local educational agencies to adopt this provision. This policy is to make you aware of the upcoming change.

Source: USDA Memorandum, dated August 30, 2005